

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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TRALIK BEY for the Estate of Troy C. Wallace,

Plaintiff,

-against-

GERALDINE HART, et al.,

Defendants.
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ORDER

19-CV-6324 (JMA) (SIL)

FILED

CLERK

2/7/2020 3:24 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

AZRACK, United States District Judge:

By Order dated January 22, 2020 (the “Order”), the Court denied the application by incarcerated pro se plaintiff Tralik Bey (“Plaintiff”) to proceed in forma pauperis without prejudice and with leave to renew upon completion of the AO 239 in forma pauperis application within fourteen (14) days from the date of the Order. (See ECF No. 8.) The Order cautioned that a failure to timely comply with the Order would lead to the dismissal of the complaint without prejudice and judgment would enter. (Id.)

On February 3, 2020, the Order was returned to the Court as undeliverable and was marked “discharged/return to sender/not deliverable as addressed/unable to forward.” (See ECF No. 9.) The Order was mailed to Plaintiff at his address of record. To date, Plaintiff has not responded to the Order, nor has he updated his address or otherwise communicated with the Court about this case. Accordingly, the complaint is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that in forma pauperis status for the purpose of an appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962). The

Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at his last known address and to mark this case closed.

SO ORDERED.

Dated: February 7, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE